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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/063,475	04/26/2002	Madhu Sudan	GEN-0276	1179

23413 7590 08/06/2003

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EXAMINER

VORTMAN, ANATOLY

ART UNIT PAPER NUMBER

2835

DATE MAILED: 08/06/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/063,475

Applicant(s)

SUDAN ET AL.

Examiner

Anatoly Vortman

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 26 April 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) 11-19 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,4,9 and 10 is/are rejected.
- 7) ☒ Claim(s) 3 and 5-8 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 August 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

## DETAILED ACTION

### *Election/Restrictions*

1. Claims 11-19 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected invention, there being no allowable generic or linking claim.

Applicant timely traversed the restriction (election) requirement in Paper No. 5.

The traversal is on the ground(s) that limitations of claim 11: **“a single pole cage [sic] holder within said first housing, said single pole cage holder including a single pole cage for electrical connection to the first phase, \*\*\*a second housing identical to said first housing, a two-pole cage holder within said second housing,** analogous to claim 1” (p. 2 of the Response, lines 18+). This is not found persuasive because, contrary to the Applicant’s position, the aforementioned limitations are not analogous to the features recited in claim 1, since claim 1 recites one fuse holder housing having two cage holders, wherein claim 11 recites two fuse holder housings, each having only one cage holder.

Also, in view of the above, the Applicant’s assertion that “separately [sic] claimed subcombination (i.e., a first cage holder and a second cage holder configured to fit within in said housing) constitutes the essential distinguishing feature of the combination of the fuse system as claimed in claim 11 and is not distinct” (p. 2 of the Response, lines 22+) is believed to be incorrect, since combination as recited in claim 11 does not require two cage holders in one fuse holder housing, but only one cage holder per fuse holder housing.

Therefore, the requirement is still deemed proper and is therefore made FINAL.

### *Drawings*

2. The drawings are objected to because according to the "Brief Description of Drawings" there are should be Fig1 trough Fig. 8 in the drawings. However, only Fig. 1 through Fig. 7 are present in the drawings filed on 08/05/02. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### *Claim Objections*

3. Claims 5 and 10 are objected to because of the following informalities: in claim 5, line 3 of the claim, following "a flange" it is believed that the limitation "depending" should be replaced with "extending" or "descending", and in claim 10, line 4 of the claim, it is believed that the limitation "conduct" should be replaced with "conducting". Appropriate corrections are required.

### *Claim Rejections - 35 USC § 112*

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

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5. Claims 9 and 10 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter, which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Claim 9 recites the limitation "a defined channel". Specification does not provide support for said limitation, since no such "channel" has been disclosed.

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1, 2, and 4, are rejected under 35 U.S.C. 102(b) as being anticipated by US/2,938,093 to McCloud.

Regarding claim 1, McCloud disclosed (Fig. 1-4) a fuse holder comprising: a housing (1) defining an enclosed region, said housing (1) comprising a base and a cover (5), said base and said cover (5) adapted to accept differently configured cage holders (2, 3) within said enclosed region; a pair of contacts (35) within said housing (1) at opposite ends of said enclosed region and spaced to engage terminals on ends of a fuse (4); and a first cage holder (2) and a second cage holder (3) configured to fit within in said housing (1), each cage holder of said first (2) and

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second (3) cage holders includes either a single pole cage (39) or a plurality of pole cages (39) (Fig. 3).

Regarding claim 2, McCloud disclosed a fuse carrier (5) pivotally mounted (via pivot (22)) on said housing (1), said fuse carrier (5) is movable between a closed position, in which said pair of contacts (35) electrically engage said terminals, and an open position, in which said fuse (4) can be inserted into said fuse carrier (5).

Regarding claim 4, McCloud disclosed that said pole cage (39) is electrically connected to said contacts (35) (Fig. 3).

#### ***Allowable Subject Matter***

8. Claims 3 and 5-8 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

claim 3 recites: "a neutral connection terminal"; claim 5 recites: "a flange"; claim 6 recites: "a pair of apertures" and "a pair of openings"; claim 7 recites: "a first half section", "a complimentary second half section", and "a single pole cage therebetween"; and, claim 8 recites: "a plurality of cutouts" and "a slot generally aligned with each cutout".

The aforementioned limitations in combination with remaining limitations of the respective claims, are believed to render the subject matter of said claims 3 and 5-8 patentable over the art of record.

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**Conclusion**

9. The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure:

US/ 3030474, 3379842, 3732516, 4178061, 4559504, 5076118, 5559662, 5963411, 5969587, 6459353, and 2313364 disclosed various types of fuse holders and fused disconnects.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anatoly Vortman whose telephone number is 703-308-7824.

The examiner can normally be reached on Monday-Friday, between 9:30am and 6:00 pm..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Darren Schuberg can be reached on 703-308-4815. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-3431 for regular communications and 703-305-3432 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1782.

Anatoly Vortman  
Primary Examiner  
Art Unit 2835

A.V.  
July 29, 2003

